

## Message Text

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PAGE 01 GENEVA 03892 251503Z

41

ACTION L-03

INFO OCT-01 IO-13 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

EPA-04 RSR-01 /251 W

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R 251230Z JUL 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 740

INFO USMISSION USUN NY

UNCLAS GENEVA 3892

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: SUBCOMMITTEE I WORKING GROUP-JULY 19

1. SUMMARY. WG COMPLETED FIRST READING OF POWERS AND FUNCTIONS OF ASSEMBLY REGARDING EXPLORATION AND EXPLOITATION OF AREA, REGULATION OF PRODUCTION, LICENSING, CONTRACTS AND JOINT VENTURES, AND THE ENTERPRISE. WG BEGAN CONSIDERATION OF POWERS AND FUNCTIONS OF COUNCIL.

2. PRIOR TO WG'S COMMENCEMENT OF DISCUSSION, CHAIRMAN PINTO PRESENTED HIS PERSONAL VIEWS ON LEGAL CHARACTERISTICS OF LICENSES AND JOINT VENTURES OR SERVICE CONTRACTS. HE DESCRIBED LICENSES AS VERY OFTEN CONTAINING ONE SECTION WHICH MENTIONED GENERAL STATUTORY REGULATIONS WITH WHICH OPERATOR AGREES TO COMPLY. JOINT VENTURES AND SERVICE CONTRACTS ALSO CONTAIN THESE REGULATIONS, HE SAID, AND THUS BOTH

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PAGE 02 GENEVA 03892 251503Z

LICENSES AND SERVICE CONTRACTS ARE LEGAL DOCUMENTS

THAT GIVE OPERATOR RIGHT TO EXPLOIT AS WELL AS LIST TERMS AND CONDITIONS UNDER WHICH RIGHT WILL BE EXERCISED. PINTO AGREED THAT THERE MAY BE SOME DIFFERENCES BETWEEN LICENSING AND ENTERPRISE BUT EMPHASIZED THAT AS A MATTER OF LAW TWO WERE SUBSTANTIALLY SIMILAR. HE URGED WG TO LAY ASIDE POLITICAL CONSIDERATIONS FOR TIME-BEING AND CONCENTRATE ON AGREEING TO TERMS AND CONDITIONS UNDER WHICH EXPLOITATION WILL TAKE PLACE, REGARDLESS OF WHETHER LICENSING SYSTEM OR ENTERPRISE IS ADOPTED.

3. WG BEGAN WITH DISCUSSION OF CONSIDERATION OF AUTHORITY'S ROLE IN EXPLORATION AND EXPLOITATION OF AREA. JAPANESE REP ADDED NOTE THAT SOME DELEGATIONS BELIEVE AUTHORITY'S FUNCTIONS SHOULD BE LIMITED TO LICENSING AND THAT COUNCIL OR COMMISSION SHOULD BE ALLOCATED THIS FUNCTION. US SUPPORTED RETENTION OF JAPANESE NOTE.

4. TANZANIA PROPOSED NEW PROVISION UNDER REGULATION OF PRODUCTION TO PROVIDE THAT USE OF MATERIAL OBTAINED BY AUTHORITY WOULD BE USED ONLY FOR PEACEFUL PURPOSES.

5. U.S. PROPOSED, WITH U.K. SUPPORT, THAT ALL POWERS AND FUNCTIONS OF AUTHORITY, ASSEMBLY AND COUNCIL REGARDING REGULATION OF PRODUCTION BE DELETED. TANZANIA, SUPPORTED BY PERU, OPPOSED DELETION.

6. ON LICENSING, U.S. DEL ASKED THAT PROVISIONS UNDER AUTHORITY BE TRANSFERRED AS POWERS AND FUNCTIONS OF COUNCIL, ALTHOUGH HE NOTED THAT PRESENT TEXT NOT ENTIRELY SATISFACTORY TO U.S. TRINIDAD, BFTD TOBAGO REP ADDED RESERVATION IN FORM OF FOOTNOTE THAT LICENSING SYSTEM IS INCOMPATIBLE WITH PRINCIPLE OF HERITAGE AND SHOULD NOT BE FUNCTION OF ANY ORGAN OF AUTHORITY.

7. WG COMPLETED DISCUSSION OF ASSEMBLY'S FUNCTIONS WITH BRIEF CONSIDERATION OF ENTERPRISE. PERUVIAN REP STATED THAT TEXT DEALING WITH ENTERPRISE CONTAINED IN UNCLASSIFIED

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PAGE 03 GENEVA 03892 251503Z

COMPARATIVE TABLE WOULD HAVE TO BE REVISED IN LIGHT OF WORKING PAPER ON ENTERPRISE RECENTLY CIRCULATED.

8. WG BEGAN CONSIDERATION OF POWERS AND FUNCTIONS OF COUNCIL AND REVIEWED ITEMS ON SUPERVISION AND COORDINATING FUNCTIONS, ESTABLISHMENT OF SUBSIDIARY ORGANS, DETERMINATION OF RULES OF PROCEDURE, BUDGET AND REPORTS.

9. AT END OF SESSION THERE WAS HEATED DISCUSSION OF PROGRAM OF WORK FOR WG. PINTO ANNOUNCED A DECISION BY SUBCOMMITTEE I CHAIRMAN ENGO THAT WG WOULD MEET TWICE A DAY JULY 24-27 WITH A VIEW TO COMPLETING ITS MANDATE AS FAR AS POSSIBLE. WG CHAIRMAN WOULD BE EXPECTED TO PRESENT FINAL REPORT ON JULY 31. US REP EXPRESSED SURPRISE AT SCHEDULE SAYING HE PERSONALLY THOUGHT IT WOULD BE UNACCEPTABLE TO US AS THERE WAS NO WAY IN WHICH WG COULD COMPLETE ADEQUATE PREPARATIONS FOR SANTIAGO CONFERENCE. ALSO PROPOSED SCHEDULE PRECLUDED MEETINGS OF INFORMAL DRAFTING GROUP. JAPAN, CANADA, USSR, FRANCE, UK, NORWAY EXPRESSED SIMILAR VIEWS URGING THAT WG BE GIVEN MORE TIME TO COMPLETE PREPARATIONS. LDC'S STRESSED THAT THEY ASSUMED ENGO SCHEDULE WAS ONLY SUGGESTION AND COULD BE CHANGED. PINTO IN CONCLUSION URGED THOSE WHO OBJECTED TO SCHEDULE TO APPROACH ENGO AND MAKE THEIR VIEWS KNOWN.

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